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Letter dated 20 December 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities reflecting its position on the recommendations contained in the report of the Analytical Support and Sanctions Monitoring Team on the outcome of the review of the Consolidated List described in paragraph 25 of resolution 1822 (2008) (S/2010/497).

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Thomas **Mayr-Harting**
Chairman
Security Council Committee established
pursuant to resolution 1267 (1999)
concerning Al-Qaida and the Taliban
and associated individuals and entities

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S/2010/497

Recommendations contained in the Report of the Analytical Support and Sanctions Monitoring Team on the outcome of the review described in paragraph 25 of resolution 1822 (2008): position of the Committee

I. Introduction

1. After a thorough examination of the report of the Analytical Support and Monitoring Team on the outcome of the review described in paragraph 25 of resolution 1822 (2008) (S/2010/497), submitted pursuant to paragraph 30 of resolution 1904 (2009), the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein, and on the conduct of the reviews mandated by the Security Council in resolution 1904 (2009).[1] In this connection it should be recalled that the Chairman of the Committee conveyed the report to the President of the Security Council on 28 September 2010.

2. The Committee appreciates the valuable assistance the Monitoring Team provided while the Committee conducted the review of the Consolidated List called for in paragraph 25 of resolution 1822 (2008) and it welcomes the Monitoring Team's continued efforts to identify ways to improve the conduct of the periodic reviews of the Consolidated List as called for in resolution 1904 (2009), namely the annual reviews of all listings not reviewed in three or more years, the forthcoming six-monthly review of individuals on the List believed to be deceased and the annual reviews of entries on the List which lack identifiers necessary to ensure effective implementation of the measures.

II. Recommendations

3. **Interaction with non-Committee members (para. 72).** The Committee agrees that the success of List reviews depends largely on the input provided by relevant Member States. In this regard the Committee encourages States, where appropriate, to take a more active part in the forthcoming list reviews, including by appearing before the Committee to discuss cases of particular interest or importance or to provide specific additional information concerning issues of de-listing. Additionally, the Committee will consider inviting relevant State(s) to participate at Committee meetings. The Committee notes that such interactions, which are also envisioned in paragraph 36 of resolution 1904 (2009), can help to improve the quality of the Consolidated List.

4. **Letters to Member States (para. 73).** The Committee agrees that letters to States requesting information in the context of forthcoming review processes should be tailored for the recipients, in order to obtain as much useful information from States and to encourage collective and more comprehensive replies.

[1] This is the ninth written report of the Committee to the Security Council on the reports of the Monitoring Team. Earlier reports of the Monitoring Team and the corresponding reports of the Committee can be found on the Committee's website (www.un.org/sc/committees/1267/index.shtml).

5. **National focal points (para. 74).** The Committee recalls that in paragraph 8 of resolution 1904 (2009), the Council encouraged Member States, inter alia, to appoint a national contact point concerning entries on the Consolidated List. The Guidelines of the Committee stipulate in this regard that the contact points should be appointed according to national laws and procedures (see www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf). In this connection, the Committee notes that determinations regarding the location of such focal points (e.g. capital or New York) rest with Member States.

6. **Names that qualify for more than one review (para. 75).** The Committee underscores its obligation to conduct all reviews as mandated by the Security Council in resolution 1904 (2009). In cases where entries on the Consolidated List qualify for more than one review, these reviews will be conducted separately.

7. **Structure of future reviews and preparation of lessons-learned paper (para. 76).** The Committee agrees that for the forthcoming reviews of the Consolidated List the Chairman, with the support of the Secretariat, should propose to the Committee the structure and process that will be agreed upon by the Committee and followed to conduct the review, one month before it is due to start, in order to facilitate a better understanding of the work involved. The Committee would also welcome the submission by the Chairman (with the support of the Secretariat) of a brief paper on the lessons learned during the conduct of the review pursuant to paragraph 75 of resolution 1822 (2008), for the benefit of future reviews.

8. **Progress with reviews (para. 77).** The Committee endorses the recommendation to include in its programme of work a biannual discussion of its progress in completing the reviews in order to keep track of the volume of work remaining and to allow discussion of the lessons learned from each review after its conclusion in order to improve procedures for the future.

9. **Official translations (para. 78).** The Committee encourages States and relevant international organizations to provide a translation into one of the official languages of the United Nations when they submit information which is not in one of the six official languages.

10. **Provision of substantial information (para. 79).** The Committee is of the view that entries on the Consolidated List for which the available reasons for listing are considered vague or unclear should be subject to in-depth discussion in the Committee. While noting the constraints on releasing publicly some information justifying certain listings, the Committee agreed that States should make every effort to provide substantial information to the Committee as to why they support the retention of relevant entries on the Consolidated List. Such information could include one or more of the criteria for listing set out in resolution 1617 (2007).

11. **Increasing the accuracy of the List (para. 80).** The Committee underlines the importance of keeping the Consolidated List up to date and accurate. Therefore, when contacting States of residence as part of the review process, the Committee will ask these States for all information on the whereabouts of the individual or entity in question, their circumstances and activity, together with information on any additional measures taken to prevent their support for terrorism. At the same time, the Committee will ask about the existence of frozen assets, valid travel documents,

and will seek information on any court proceedings involving the listed individual or entity.

12. **Consideration of de-listing requests (para. 81).** The Committee recalls that, in paragraph 25 of resolution 1904 (2009), the Council encouraged the Committee to give due consideration to the opinions of designating State(s) and State(s) of residence, nationality or incorporation when considering de-listing requests, and called upon Committee members to make every effort to provide their reasons for objecting to de-listing requests. The Committee will continue to give careful consideration to the opinions of these States when considering de-listing requests, which should be well reasoned (see also para. 15 below), including in the context of its forthcoming reviews, and it will continue to actively seek from its members their reasons for objecting to de-listing requests.

13. **Absence of recent information (para. 82).** The Committee agrees that when no Member State or the Monitoring Team has discovered any information about the activities of a listed person over two review periods (six years), it will, particularly in the framework of its various reviews, invite the designating States to submit a de-listing request or provide information to update the List entry.

14. **Committee members' position on the appropriateness of listings (para. 83).** The Committee agrees that in certain instances it could be feasible for Committee members which are also designating States or States of citizenship/residence/incorporation to provide information in advance but withhold indication of their position on the appropriateness of listing until the Committee formally reviews that name, so that the full range of information would be available to the State concerned before it expresses its opinion. The Committee, however, will not establish this practice as a general rule for its forthcoming reviews.

15. **Reasons for the removal or retention of names on the Consolidated List (para. 84).** The Committee underlines the importance of receiving reasons from Member States explaining why they support retention or removal of a name in the course of the reviews and requests all Member States that express their opinion on the appropriateness of a listing to provide fact-based reasons, in full conformity with resolution 1904 (2009) and the Committee's Guidelines.

16. **Updating narrative summaries (para. 85).** When writing to Member States in the framework of the various reviews, the Committee will attach the corresponding narrative summaries of reasons for listing and will ask the State to provide any available updated information that could improve the Consolidated List entries or their corresponding narrative summaries.

17. **Narrative summaries lacking detail (para. 86).** The Committee welcomes the recommendation of the Monitoring Team that it request the Team to compile an annual list of all entries for which the corresponding narrative summaries do not contain information that would substantiate the listing in accordance with the criteria set out in paragraph 2 of resolution 1904 (2009).

18. **Optimization of forthcoming reviews (para. 87).** The Committee will consider how best to optimize the timing of the triennial review of all List entries pursuant to paragraph 32 of resolution 1904 (2009) in order to avoid an uneven distribution of work. It will also revisit, with the assistance of the Monitoring Team, the method by which it groups names together for consideration, so as to ensure that the names included in each group are substantively linked to each other.

19. **Official confirmation of death of a listed person (para. 88).** The Committee considers any official communication from the relevant State declaring a listed person to be dead as fulfilling the requirement for "credible information regarding death" as described by paragraph 26 of resolution 1904 (2009), without prejudice to the final decision of the Committee as to the removal of the name from the List. The official communication, such as documentation certifying death, should include, to the extent possible, the full name, permanent reference number and date of birth of the individual and the date and place of death, as well as any further information about the circumstances of the death.

20. **Official statement on the status of the assets of a deceased person (para. 89).** While reviewing the appropriateness of the listing of persons who are reportedly deceased, and in cases where individuals have no frozen assets, the Committee will accept as sufficient for de-listing an official communication from the State(s) of nationality and residence declaring the financial status of the individuals in question, without prejudice to the final decision of the Committee.

21. **Entities that have ceased to exist (para. 90).** In order to keep the Consolidated List as up to date as possible, the Committee will undertake a review of listings of entities reported or confirmed to have ceased to exist, in order to decide whether they remain appropriate, on the basis of previously agreed criteria and modalities. This would necessitate the Monitoring Team circulating, every six months, a list of entities believed to have ceased to exist and the Committee defining procedures for this review pursuant to the Committee's Guidelines.

22. **Entries lacking identifiers necessary to ensure effective implementation of the measures (para. 91).** Without prejudice to the final decision of the Committee on any listing or de-listing, when conducting its triennial review and in the framework of other reviews, where appropriate, the Committee will consider whether an entry lacks identifiers necessary for effective implementation of the measures. For an individual, necessary identifiers could include the full name, date of birth, place of birth and nationality. For a legal entity they could include the full registered name and the location of all offices, branches or subsidiaries that are subject to sanctions. Where the Committee decides that identifiers for an entry are not fully sufficient, it will invite the relevant designating State(s) to provide further detail or to examine whether de-listing requests can be made.

23. **Review of pending issues (para. 93).** The Committee has initiated the review of all issues pending before the Committee as at 17 December 2009 pursuant to paragraph 42 of resolution 1904 (2009). In this regard, the Committee has written to those States which submitted the pending requests, the Monitoring Team and the Committee members which placed holds on these issues. The Committee intends to resolve the pending issues pursuant to resolution 1904 (2009) by 31 December 2010.

III. Conclusion

24. The Committee would like to thank the Monitoring Team for its report and the valuable recommendations contained therein. The Committee would like to underline the special importance of these recommendations, many of which will be of great use when undertaking future reviews.